

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:)	
)	
Jacqueline Louise Sommerville,)	Case No.: 07-04937-BGC-13
)	
Debtor.)	
)	
Jacqueline Louise Sommerville,)	
)	
Plaintiff,)	
)	
vs.)	A. P. No.: 08-00082
)	
Check Depot,)	
)	
Defendant.)	

MEMORANDUM OPINION

The matters before the Court are the Complaint filed on April 9, 2008, (Proceeding No. 1) and the Defendant's Motion to Dismiss filed on May 9, 2008, (Proceeding No. 11). After notice, a hearing was held on May 28, 2008. Appearing were Paula Greenway for the plaintiff-debtor; David Mellon for Robin Beardsley, the attorney for the defendant; Charles King for the Chapter 13 Trustee; Jon Dudeck for the Bankruptcy Administrator; and Thomas Corbett, the Chief Deputy Bankruptcy Administrator. The matters were submitted on the arguments of counsel and the pleadings.

The facts and issues in this matters are so similar to the facts and issues in Southhall v. Check Depot, Inc., A. P. No. 08-00128, Case No. 07-00115-TOM-13, an adversary proceeding administered by another member of this Court, that this member of the Court finds that the memorandum opinion and order entered there on December 19, 2008, should be applied here.

Therefore, based on the Memorandum Opinion and Order Granting Motion to Dismiss in Southhall v. Check Depot, Inc., A. P. No. 08-00128, Case No. 07-00115-TOM-13, entered on December 19, 2008, this Court finds that the Defendant's Motion to Dismiss pending here is due to be granted and that the Complaint is due to be dismissed.

A separate order will be entered contemporaneously with this Memorandum Opinion.

Dated: February 24, 2009

/s/Benjamin Cohen
BENJAMIN COHEN
United States Bankruptcy Judge

BC:pb